

DOCKET NO.: 208608US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Thomas DANIEL, et al. :

SERIAL NO: 09/831,915 :

FILED: MAY 25, 2001 :

FOR: HYDROGELS ABSORBING AQUEOUS FLUIDS

PETITION FOR RETROACTIVE LICENSE: Expedited Handling Requested

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants hereby petition for retroactive licenses under 35 U.S.C. 184. The licenses are sought for applications 198 01 933.5 corresponding to U.S. application 09/582,217, 198 07 502.2 corresponding to U.S. application 09/601,349, 198 07 992.3 corresponding to U.S. application 09/622,853, 198 18 852.8 corresponding to U.S. application 09/674,263, 198 46 413.4 corresponding to U.S. application 09/806,942, 198 46 412.6 corresponding to U.S. application 09/806,944, 198 54 574.6 corresponding to U.S. application 09/831,920, 198 54 573.8 corresponding to U.S. application 09/831,915 and 198 54 575.4 corresponding to U.S. application 09/831,382 filed in the German patent office during 1998. Germany is the only country in which these applications have been filed. Copies of the above identified German applications are not required under 37 C.F.R. 5.14(c), since the German applications do not contain matter additional to that which is disclosed in the U.S. applications. The German applications are not under a secrecy order now nor were they under such an order when they were filed in Germany.

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Attached hereto are two Declarations. One Declaration for Dr. Klaus Mikulecki and one Declaration for Dr. Hermann Kueppers and Kathrin Pohl, both of which contain the information required under 37 C.F.R. 5.25 (a)(3). As expedited handling is requested, Applicants have included both the base fee and expedited handling fee. See 37 C.F.R. 1.17(h). citing sections 5.12 and 5.25.

As noted in the attached declarations, although inventors listed on the applications were residing in the United States at the time of invention, the applications were filed first in Germany by Dr. Mikulecki of Clariant because he did not know that foreign filing licences needed to be obtained for German citizens residing in the United States at the time of invention. After the filing of these applications in Germany, BASF acquired the rights to the above mentioned applications, and Dr. Hermann Kueppers and Kathrin Pohl both of BASF filed PCT applications designating the United States and claiming priority to the German applications. Dr. Kueppers was informed of the need for a retroactive license by BASF's U.S. attorneys in another application, now abandoned, that was acquired from Clariant at the same time. Upon further investigation of the rights acquired from Clariant, Dr. Kueppers discovered that the above mentioned German applications also require retroactive licenses. The applicants are now seeking retroactive foreign filing licenses in order to continue the examination of the applications filed in the United States.

The below-signed Petitioner will personally appear to pick up the licenses once they are granted, and it is requested that Petitioner be called at 703-413-3000 once the licenses become available.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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